IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Impleadment Application No. 2171 of 2007

In

Civil Contempt Petition No. 349 of 2005

Narayan Dutt Paneru
S/o Tejram
R/o Sitarganj,
District Udham Singh Nagar
…… Petitioner

Versus

Sri Gopal Krishna Diwedi
District Magistrate
Udham Singh Nagar
….. Respondent

Mr. C.K. Sharma, learned counsel for the petitioner.
Mr. Gopal Narain and Mr. P.C. Bisht, Brief Holders for the respondent State.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2) By means of this petition, the petitioner has complained disobedience of order dated 26.07.2004, passed in Writ Petition No. 7014 (S/S) of 2001 along with connected matters, including Writ Petition No. 6420 (S/S) of 2001, whereby following direction was issued to the respondents:

> ***"Accordingly, the writ petitions are hereby allowed. Writ of mandamus is issued directing the respondents to consider the claim of the petitioners for regularization in accordance with law within a period of three months from the date of receipt of***

the certified copy of this Court. The petitioners who are working as Seasonal Collection Amins / Asstt. Wasil Baqi Nawis / Peon shall be permitted to discharge their duties as such, till a decision is taken by the respondents and further it is directed that preference shall be given to those, who were already working as Amins and have been discontinued for any reasons whatsoever."

3) Perusal of the C.A. –1 to the counter affidavit filed by the State shows that the representation of the petitioner in compliance of said order was considered, and by a speaking order the same was dismissed by the District Magistrate, Udham Singh Nagar, vide his order dated 8th August 2005.

4) For the reasons it cannot be said that the respondent has committed any willful disobedience in compliance of the Court's Order.

5) In the circumstances, the application NO. 2171 of 2007 for impleadment of the present District Magistrate, Udham Singh Nagar, in the array of parties in the Contempt Petition, is misconceived and is liable to be dismissed. The same is hereby dismissed.

6) Accordingly, the Contempt Petition NO. 349 of 2005 is also dismissed. Notices issued to the respondents are hereby discharged.

(Prafulla C. Pant, J.)

Dt. August 06, 2007.
H. Negi